

REMARKS

Claims 1-52 are currently pending in this application. Claims 1-32, 43-51 and 53 were withdrawn by the Examiner following a Restriction Requirement.

Applicants thank Examiner Jeffrey Parkin for participating in the interview with Applicants representatives on May 11, 2009. Claims 33-37 and 52 have been amended per the Examiner's suggestions, and are supported throughout the specification, for example on page 18, lines 3-27. Claims 38-42 have been amended to correct minor informalities. Withdrawn process claims 43, 49 and 51 have been amended to include the elements of product claim 33. No new matter has been added and the claim amendments.

As the prior art has already been searched and no prior art rejections were applied in the last Office Action mailed on March 6, 2009, Applicants respectfully submit that the claim amendments and remarks below place the application in condition for allowance, and therefore request entry of the amendment.

Furthermore, Applicants request rejoinder of non-elected method claims 43-51 as these claims require all of the limitations of allowable product claims 33 and 37 in accordance with 37 CFR § 1.104.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 33-36 and 52 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. Applicants respectfully submit that, per the Examiner's suggestion on page 5 of the Office Action mailed on March 6, 2009, claim 33 has been amended to recite,

An immunogenic composition comprising Human Immunodeficiency Virus (HIV) Tat adsorbed to the surface of an anionic nanoparticles, by electrostatic interactions,

wherein said composition is capable of inducing strong humoral and cell-mediated anti-Tat responses.

As amended, claim 33 requires that the Tat is adsorbed to the surface of the nanoparticle by electrostatic interactions. Moreover, the specification provides an example of the humoral response obtained with the subject nanoparticles in Example 4 on page 23, line 17 to page 25, line 21. As such, Applicants submit that the amendment obviates the rejection and therefore, claim 33 is allowable.

Furthermore, claims 34-36 and 52 depend from and further define the subject matter of claim 33, and therefore are also allowable.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 33-36, 52 were rejected under 35 U.S.C. § 112, Second Paragraph as allegedly being indefinite for failing to point out and distinctly claim the subject matter regarded as the invention. Applicants respectfully submit that the claim amendments obviate this rejection. Therefore, the rejection should be withdrawn.

Claim Objections

Claims 37-42 were objected to due to informalities. Applicants respectfully submit that claim 37 has been amended to correct informalities. Therefore it is respectfully requested that the objection be withdrawn.

Rejoinder of Non-Elected Claims Method Claims

As noted above, Applicants request rejoinder of non-elected method claims 43-51 in accordance with 37 CFR § 1.104, as these claims require all the limitations of allowable product claims 33 and 37.

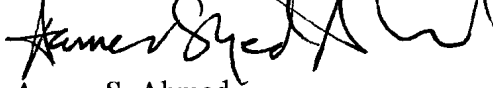
Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILK & EMERY LLP



Aamer S. Ahmed

Registration No. 58,958

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 ASA:MWE
Facsimile: 202.756.8087
Date: June 5, 2009

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